



Atty. Docket No. OSP-1057

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Takeo MATSUKI et al.

Confirmation No. 4114

Serial No. 09/764,880

GROUP 2818

Filed January 23, 2001

Examiner Thinh T. Nguyen

SEMICONDUCTOR DEVICE STRUCTURE
AND METHOD FOR MANUFACTURING THE
SAME

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the restriction requirement set forth in the Official Action of September 13, 2002, Applicants elect Group I, claims 1-3 and 7-12, drawn to a semiconductor device, with traverse.

MPEP §803 states that there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent or distinct as claimed; and

(B) There must be a serious burden on the Examiner if restriction is required.

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The Examiner has already examined claims 1-6 twice and claims 7-17 once. Art was applied against each of the claims in the previous Official Action (April 1, 2002) which indicates that a search was performed for each of the claims. A further search for each claim would not appear to place any burden on the Examiner.

In addition, MPEP §802.01 states that "independent" means that there is no disclosed relationship between the two or more subjects disclosed. Applicant believes there is a relationship disclosed: claim 1, for example recites a silicide pad formed on the top surface of a silicon contact plug in a self-aligning manner with the silicon contact plug, and claim 4 for example recites forming a silicide pad in a self-aligning manner with a silicon contact plug. A specific method of "forming" is not recited.

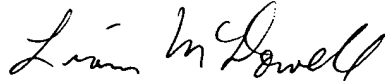
Further, MPEP §802.01 states that "distinct" means that the inventions are patentable over each other. It appears that a silicide pad formed on the top surface of a silicon contact plug in a self-aligning manner with the silicon contact plug, and forming a silicide pad in a self-aligning manner with a silicon contact plug are not patentable over each other and thus are not "distinct". Accordingly, withdrawal of the restriction requirement is respectfully requested.

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Favorable action on the merits on all the claims is respectfully requested.

Respectfully submitted,

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